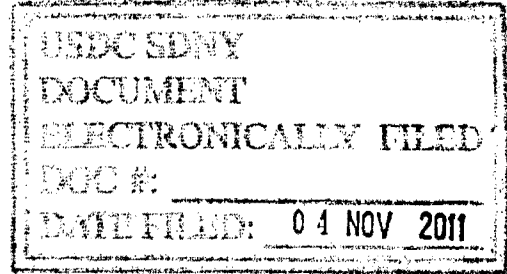


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
PATRICIO R. MAMOT,

Plaintiff,

-v-

No. 09 Civ. 7078 (LTS)(GWG)

BILINGUALS, INC. and WICHUDA
WICHADIT,

Defendants.
-----X

ORDER

Pro se Plaintiff Patricio R. Mamot brought this suit against Bilinguals, Inc. and Wichuda Wichaidit ("Defendants") for failing to issue him a certificate following his attendance at an education workshop. On September 3, 2009, Magistrate Judge Gabriel W. Gorenstein issued an order to show cause why the complaint should not be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim on which relief may be granted. In response, Plaintiff filed a document entitled "Notice of Motion and Memorandum of Law," which purported to add claims under Title VII of the 1964 Civil Rights Act and the Americans with Disabilities Act. On October 26, 2009, Judge Gorenstein issued a Report and Recommendation ("Report"), recommending that the complaint be dismissed with prejudice for failure to state a claim and for lack of standing. The Report also recommended that the complaint be dismissed under the doctrine of res judicata. A timely objection was received from the Plaintiff.

In reviewing the Report, the Court "may accept reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.A. § 636(b)(1)(C) (West 2010). The Court is required to make a de novo determination as to the aspects of the Report to

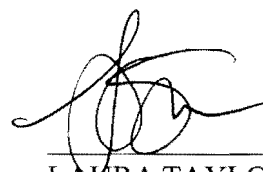
which specific objections are made. United States v. Male Juvenile, 121 F. 3d 34, 38 (2d Cir. 1997). When a party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report only for clear error. See Camardo v. General Motors Hourly-Rate Employees Pension Plan, 806 F. Supp. 380, 382 (W.D.N.Y.1992) (court need not consider objections which are frivolous, conclusory, or general, and which constitute a rehashing of the same arguments and positions taken in original pleadings); Schoolfield v. Dep't of Corr., No. 91 Civ. 1691, 1994 WL 119740, at *2 (S.D.N.Y. Apr. 6, 1994) (objections stating the magistrate judge's decisions are wrong and unjust, and restating relief sought and facts upon which complaint was grounded, are conclusory and do not form specific basis for not adopting report and recommendation). Objections to a Report must be specific and clearly aimed at particular findings in the magistrate's proposal, such that no party be allowed a "second bite at the apple" by simply relitigating a prior argument. Camardo, 806 F.Supp. at 381-82.

The Court has reviewed Plaintiff's objections and finds that they merely re-iterate the argument set forth in his "Notice of Motion and Memorandum of Law" and complaint. The Court has also reviewed the Report and finds Magistrate Judge Gorenstein's thorough analysis free of error.

For the foregoing reasons, the Court adopts the Report in its entirety and dismisses the complaint with prejudice. The Clerk of the Court is respectfully requested to enter judgment accordingly and close this case.

SO ORDERED.

Dated: New York, New York
November 4, 2011



LAURA TAYLOR SWAIN
United States District Judge